REMARKS

Claims 1-28 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Picco (US 6,029,045) in view of Moshfeghi (US 6,076,166).

In some embodiments of the present invention, a content receiver may receive a Local Electronic Guide to Advertising Resources (LEGAR) from a remote server. In an embodiment, the content receiver may use the LEGAR to select certain advertisements for capture and storage on the receiver. The receiver may use one of the stored advertisements to replace the content in response to detecting a pause in content usage. Picco teaches no such thing.

First, Picco does not choose an advertising resource from a sub listing of advertising resources and then capture the corresponding advertisement to store it on the receiver. Rather, in Picco all of the local content items in a transmission are downloaded in their entirety to a set-top box. *See, e.g.,* column 13, lines 40-50; column 6, lines 61-63. If there is a match, the local content item is stored on the receiver. *See, e.g.,* Figure 9. And so it goes in Picco for each piece of local content. *Id.* In contrast, according to an embodiment of the present invention a subset listing of advertising resources may be developed and an advertising resource may be chosen from the subset listing. If a resource is chosen from the listing the corresponding advertisement may be captured for storage on the receiver. Clearly, Picco does not select an advertisement resource from a subset listing of advertising resources and then capture a corresponding advertisement for storage on the receiver.

Second, Picco does not detect a pause in the usage of content and in response thereto, play a stored advertisement. Instead, advertisement insertion is limited in Picco to fixed locations in a data stream. For example, in Picco a television data stream includes television programming data and a local content space. Column 5, lines 49-54. The local content space is a blank spot in the programming data stream. *Id.*; Figure 2. In Picco, advertisements may be inserted into a data stream only if a local content space is identified. *See, e.g.,* column 6, lines 37-39. And the inserted advertisement must match the size of the local content space. Picco, column 11, lines 4-9. A splicer in Picco inserts a local advertisement at the local content space before a data stream is output for display. Thus, in Picco even though programming has been changed to advertising, the manner in which the content is being displayed has not changed.

Referring to a gaming embodiment of the present invention as one, non-limiting example, a user may cause the game to pause during play. There is no way to know when the pause will

occur before the pause happens. Even so, when there is a change in the condition of the play of the game one or more advertisements may be inserted and displayed for as long as the game is paused. When the user resumes play of the game the advertisements are no longer inserted.

Because Picco does not teach or suggest all of the limitations of amended claim 1 either alone or in combination with Moshfeghi, claim 1 and the claims dependent thereon are patentable over the cited references. Under a similar analysis, independent claims 11 and 21 and their respective dependent claims are also distinguished over Picco.

In view of the amendments and remarks herein, the application is in condition for allowance. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0008US)

Respectfully submitted,

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